

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

7-ELEVEN, INC., §  
§  
Plaintiff, § CASE NO. 3:08-CV-140-B  
VS. §  
§  
§  
§  
PUERTO RICO-7, INC., THE MATTERA §  
RESERVE, INC., and JOHN MATTERA, §  
§  
Defendants. §

**MOTION TO DISMISS THE AMENDED COUNTERCLAIM**

Pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, the plaintiff/counterclaim defendant 7-Eleven, Inc. moves to dismiss the amended counterclaim for failure to plead fraud with sufficient particularity.

Respectfully submitted,

/s/  
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